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COMMISSION

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**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**withdrawing from the market certain feed additives**

(Text with EEA relevance)

**EN**

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# COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

## **withdrawing from the market certain feed additives**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition<sup>1</sup>, and in particular Article 10(5) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. In particular, Article 10(2) of that Regulation provides rules for the re-evaluation of additives authorised pursuant to Council Directive 70/524/EEC<sup>2</sup>.
- (2) Article 10(5) of Regulation (EC) No 1831/2003 imposes an obligation on the Commission to adopt a Regulation requiring the withdrawal from the market of feed additives for which no applications as required by Article 10(2) and (7) of Regulation (EC) No 1831/2003 were submitted before the deadline provided for in these provisions or for which an application was submitted but subsequently withdrawn.
- (3) Accordingly, the feed additives listed in the Annex should be withdrawn from the market. As Article 10(5) of Regulation (EC) No 1831/2003 does not differentiate between authorisations issued with a time limit and authorisations without a time limit, for clarity reasons it is appropriate to provide for the withdrawal from the market of feed additives whose limited authorisation periods pursuant to Directive 70/524/EEC have already expired.
- (4) In the case of feed additives for which applications have been submitted only for certain animal species or categories, or for which applications have been withdrawn only for certain animal species or categories, the withdrawal from the market should only concern the animal species and categories for which no application has been submitted or for which the application has been withdrawn.
- (5) As a consequence of the withdrawal from the market of the feed additives concerned, it is appropriate to amend and repeal the provisions authorising them, where such provisions are still in force. Consequently, Commission Regulation (EC) No

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<sup>1</sup> OJ L 268, 18.10.2003, p. 29, ELI: <http://data.europa.eu/eli/reg/2003/1831/2021-03-27>

<sup>2</sup> Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs (OJ L 270, 14.12.1970, p. 1), ELI: <http://data.europa.eu/eli/dir/1970/524/2003-03-31>.

358/2005<sup>3</sup> should be amended accordingly. In addition, Commission Regulations (EC) No 316/2003<sup>4</sup>, (EC) No 1811/2005<sup>5</sup> and (EC) No 1876/2006<sup>6</sup> should be repealed.

- (6) As regards feed additives which were authorised without a time limit, it is appropriate to allow for a transitional period within which existing stocks of the additives concerned, premixtures, compound feed and feed materials which have been produced with those additives may be used up in respect of the animal species and categories for which the withdrawal from the market is required, in order to allow interested parties to adapt to the obligation to withdraw those products from the market.
- (7) The withdrawal from the market of the products listed in the Annex does not prevent them from being authorised or from being subject to a measure concerning their status in accordance with Regulation (EC) No 1831/2003.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*  
**Withdrawal from the market**

The feed additives specified in the Annex shall be withdrawn from the market in respect of the animal species and categories as specified in that Annex.

*Article 2*  
**Amendment to Regulation (EC) No 358/2005**

In Annex III to Regulation (EC) No 358/2005, entry 28 on 3-Phytase EC 3.1.3.8 is deleted.

*Article 3*  
**Repeals**

Regulations (EC) No 316/2003, (EC) No 1811/2005 and (EC) No 1876/2006 are repealed.

*Article 4*  
**Transitional measures**

- 1. Existing stocks of the feed additives listed in Chapter I.A. of the Annex may continue to be placed on the market and used until *[12 months from the date of entry]*

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<sup>3</sup> Commission Regulation (EC) No 358/2005 of 2 March 2005 concerning the authorisations without a time limit of certain additives and the authorisation of new uses of additives already authorised in feedingstuffs (OJ L 57, 3.3.2005, p. 3, ELI: <http://data.europa.eu/eli/reg/2005/358/oj>).

<sup>4</sup> Commission Regulation (EC) No 316/2003 of 19 February 2003 concerning the permanent authorisation of an additive in feedingstuffs and the provisional authorisation of a new use of an additive already authorised in feedingstuffs (OJ L 46, 20.2.2003, p. 15, ELI: <http://data.europa.eu/eli/reg/2003/316/oj>).

<sup>5</sup> Commission Regulation (EC) No 1811/2005 of 4 November 2005 concerning the provisional and permanent authorisations of certain additives in feedingstuffs and the provisional authorisation of a new use of an additive already authorised in feedingstuffs (OJ L 291, 5.11.2005, p. 12, ELI: <http://data.europa.eu/eli/reg/2005/1811/oj>).

<sup>6</sup> Commission Regulation (EC) No 1876/2006 of 18 December 2006 concerning the provisional and permanent authorisation of certain additives in feedingstuffs (OJ L 360, 19.12.2006, p. 126, ELI: <http://data.europa.eu/eli/reg/2006/1876/oj>).

*into force of this Regulation – Date to be inserted by the Service responsible for the publication].*

2. Premixtures produced with the feed additives referred to in paragraph 1 may continue to be placed on the market and used until [*15 months from the date of entry into force of this Regulation – Date to be inserted by the Service responsible for the publication*].
3. Compound feed and feed materials produced with the feed additives referred to in paragraph 1 or with the premixtures referred to in paragraph 2 may continue to be placed on the market and used until [*24 months from the date of entry into force of this Regulation – Date to be inserted by the Service responsible for the publication*].

*Article 5*  
**Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
Ursula VON DER LEYEN